

ABELSON & TRUESDALE, LLC

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: HARLAN & ANN TUCKMAN

Case No. 10-14607 (RTL)

Chapter 13

CERTIFICATION OF DEBTOR

IN SUPPORT OF MOTION TO

ENFORCE AUTOMATIC STAY

HEARING DATE: 9/6/11 @ 10:00 A.M.

HARLAN TUCKMAN, hereby certifies as follows:

1) I am the Debtor in the above captioned matter.

2) Attached as *Exhibit A* is a letter demanding monies and threatening legal actions against my wife and I, and our former Corporation Aantrans Inc. by Lee Myles, the franchise holder for Aantrans Inc. The letter is addressed to both me and Aantrans which has filed for Chapter 7 Bankruptcy and therefore notice of this motion is provided to the Chapter 7 Trustee for same. This is actually the second such letter, the first being sent on March 28, 2011 (*Exhibit B*) which I obviously mistook as an aberration in conduct based on the closure of Aantrans and its Chapter 7 filing.

3) Contrary to the letter's assertion, Lee Myles was definitely listed under our original schedule F (*Exhibit C*) and received notice as set forth on the Clerk's Certification (*Exhibit D*).

4) Although Mr. Friedman's letter insinuates that we have listed the incorrect corporate entity, (Lee Myles Associates Corp. instead of Lee Myles Auto Group) attached as *Exhibit E* is a copy from our actual franchise agreement and 2008 promissory note demonstrating the basis for our listing in the petition. It is my understanding that the Auto Group is the successor legal entity to the Associates Corp.

5) Irrespective, Lee Myles Auto Group which is in fact located at the exact same address in Reading, Pennsylvania (*Exhibit F*) at the same location clearly had notice of the Bankruptcy as Mr. Friedman references explicit knowledge of the bankruptcy in his actual letter. Whether the corporate entity was or was not accurately titled, Lee Myles and Mr. Friedman had actual knowledge of this bankruptcy and of the automatic stay.

6) I am advised by counsel that anyone who is with knowledge of the bankruptcy and attempts to collect a pre-petition debt violates 11 U.S.C. § 362(a) which prohibits the post-petition attempt to collect or the collection of any pre-petition claims in the bankruptcy. Mr. Friedman's letter threatens as follows:

Additionally, you have an outstanding balance due to Lee Myles of \$ 21,208 which does not include late charges, which according to section 3.4 of your agreement amount to 1% per month on all late payments. Your 2010 bankruptcy did not include the outstanding debt to Lee Myles Auto Group LLC and has therefore never been discharged. **Be advised that without immediate efforts on your part to secured repayment terms we will seek a legal judgment for all monies owed, including any fees and will vigorously pursue enforcement of any judgment.**

7) These letters and threats have caused extreme anxiety and many restless nights for my wife and I even though Mr. Abelson has assured us they are without legal basis and the intentional sending of these repeated demands violates the bankruptcy code. .

8) Additionally we are advised that the wilful violation of the stay (defined by the 3rd Circuit as merely any action done with knowledge of the bankruptcy filing) compels the payment of damages including attorneys fees under 11 U.S.C. § 362(k). We should not have to bear the cost for this application.

9) Finally, I would like to address the absurd allegations and threats of “criminal fraud charges” resulting from Aantrans. Every action we took was in conformity with our franchise agreement and its addendum. The Trustee has been in control of Aantrans since its bankruptcy filing on March 18, 2011 . As these threats are directly personally against my wife and I, I believe they are further actions in violation of the bankruptcy stay and we would ask the Court’s intervention to compel their termination.

10) Thank you.

CERTIFICATION

We hereby certify that the foregoing statements are true. If any of the foregoing statements are wilfully false, we realize that we are subject to punishment.

/s/ *Harlan Tuckman*

HARLAN TUCKMAN

Dated: 8/8/11